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Shocker: GOP Court Justices Have Liberal Record

By Michael Collins Piper

If you think Republican justices on the Supreme Court are going to "save America and preserve the Constitution," then think again. Here are some uncomfortable facts you need to know about. Since at least 1968 — when George C. Wallace offered up a populist challenge that threatened to pull the plug on Richard Nixon's Republican presidential candidacy, drawing away votes from those fed up with liberal Democratic Party policies — Republican Party advocates argued against conservative and populist-minded voters supporting "third party" and "independent" presidential candidates.

Republican campaigners said that voting for a third party candidate would deny Republicans the presidency and thereby make it possible for Democratic presidents to "stack" the Supreme Court with "liberal" justices who would take away American freedoms.

The argument sounded good to a lot of voters and also helped make the Reagan and Bush presidencies possible. That same argument undermined what appeared to be the legitimate populist challenges at various times, both as a Republican and as an independent candidate, by syndicated columnist Pat Buchanan.

However, the ultimate result — the real truth of the matter — is somewhat different in fact.

The National Journal, an "insider" publication that is much read in Washington, recently let the cat out of the bag about the rather "liberal" orientation of the Supreme Court justices appointed by successive Republican presidents. The ***Journal's*** columnist, Stuart Taylor Jr. pointed out that retiring Justice Sandra Day O'Connor — a Reagan appointee — actually voted to order the removal of a Ten Commandments monument in Texas that, in contrast, to her supposedly more liberal colleague, Justice Stephen Bryer — a Bill Clinton appointee — voted to preserve.

Here's Taylor's remarkable on-the-mark assessment of the situation — one that will shock Republican stalwarts who have no idea how "liberal" the Republican presidential appointees to the high court have been:

> [It] has become increasingly common over the past two decades to see the woman who was once routinely (if misleadingly) labeled a member of the court's conservative bloc siding with its four most liberal members. She has tipped many a 5-4 decision in their direction, including three big ones this year: the other Ten Commandments case; a decision expanding educational institutions' liability for sex discrimination; and one overturning a death sentence because of blunders by the defense lawyer.

Liberals getting conservative; conservatives getting liberal. What's going on here?

> O'Connor's leftward drift helps account for the supposedly conservative Rehnquist court's surprisingly liberal trend in recent years. So do the similar evolutions of Anthony Kennedy, another Reagan appointee, and John Paul Stevens, a once-moderate Ford appointee who is now the leader of the court's liberal bloc. Not to mention the emergence of David Souter as a liberal soon after his appointment by the first President Bush.

The bottom line, according to the ***Journal*** columnist, is that "Republican-appointed justices without ideological anchors tend to become more liberal over time."

Essentially — although the ***Journal*** doesn't say it — the fight over Supreme Court nominees, which captures the focus of the media monopoly in America, is hardly more than another device to distract the average American and make him think that there are substantive differences between the two major political parties in America. Such phony battles — carried out as almost a form of public entertainment — help provide a continuing foundation for the archaic and divisive labels of "right" and "left" that are used by the political elite in America to stir conflict among the masses and consolidate their own control behind the scenes.

The brewing "conflict" that will be focused on by the media in the events surrounding the replacement of Justice O'Connor (and then that of Rehnquist, who is ailing and expected to retire), can be compared to the manner in which there was a major public fuss over the nomination of John Ashcroft, a so-called "Christian conservative," as attorney general by President George W. Bush.

While "left wing" interest groups raised a furor against Ashcroft and "right wing" interest groups raised a banner in his support — both raising big bucks in the process — key behind-the-scenes players with lots of political clout, such as Abe Foxman of the Anti-Defamation League, sent out word that Ashcroft was really "okay" and that his nomination was to be approved, and it was.

In his first major action as attorney general, Ashcroft then launched one of the worst raids by the Justice Department on a Christian church, the Indianapolis Baptist Temple. And then he presided, in no short time, in the crafting of the Patriot Act, the worst-ever assault on the American Constitution.

A journalist specializing in media critique, Michael Collins Piper is the author of ***Final Judgment***, the controversial "underground bestseller" documenting the collaboration of Israeli intelligence in the assassination of John F. Kennedy. He is also the author of ***The High Priests of War***, ***The New Jerusalem***, ***The Judas Goats***, and ***Dirty Secrets***, all available from America First Books and First Amendment Books. He has lectured on suppressed topics in places as diverse as Malaysia, Japan, Canada, Russia and Abu Dhabi.